

FOOD STAMP PROGRAM REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the FS 24 for your records. For counties asking for policy interpretations, submit the question directly to a FRAT representative via e-mail. For other organizations (e.g., Quality Control, Administrative Law Judges), submit questions directly to the Food Stamp Policy Implementation Unit or Employment and Special Projects Unit representative via e-mail.

1. RESPONSE NEEDED DUE TO:	5. DATE OF REQUEST:	NEED RESPONSE BY:
<input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> OC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Immediate Need/Emergency Services <input type="checkbox"/> Other:	1-17-12	As soon as possible
2. REQUESTOR NAME:		
Carole W. Harper, ALJ - DSS		
3. PHONE NO.:		
916-651-0927		
4. REGULATION CITE(S):		
63-509(e)(1);		
6. COUNTY/ORGANIZATION:		
Sacramento		
7. SUBJECT:		
Cal Fresh overissuance		
8. REFERENCES: (Include ACL#CIN, court cases, etc. in references)		
NOTE: All requests must have a regulation cite(s) and/or a reference(s).		
ACL 03-18		
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		

On her February and May 2011 QR7 forms, the recipient reported income from one of two employers but not for the second employer. When the county discovered the second employer an overissuance was calculated. The county used May 2011 income to determine an overissuance for July August and September. The recipient appealed and provided pay records to establish that this employer closed the business on July 31 and that her paychecks for July could not be cashed as there was no money in the business's bank account. She asks a reduction in the overissuance for the months she received no income from this second employer, July August and September.

10. REQUESTOR'S PROPOSED ANSWER:
<p>Based on budgeting regulations it appears that it is appropriate to decrease the overissuance for the months she received no income from the second employer. The ACL describing calculation of overissuance under QR7 deals primarily with changes in income during the benefit months which if acted upon by the county would decrease the recipient's benefits. The instant case involves a change which would have increased the recipient's benefits if all had been reported timely, but the case before me is one of decreasing the amount of an overissuance. I propose to apply the instruction in ACL 03-18: "If a recipient fails to report income any time (s)he is required to report, or the CWD fails to act correctly on a recipient report, the CWD shall redetermine the benefits the recipient would have received based on an accurate report and correct county action." If a more appropriate ACL or regulation exists covering recalculation of overissuances I am not aware of it, please direct me to it.</p>

11. FRAT RESPONSE TO COUNTY QUESTION:

We need to look at what was required to be reported but cannot presume that a client would have made a voluntary report.

We would compute the OI based on the income we would have used had the client reported timely and accurately but not taking into account any voluntary changes the client could have reported. Therefore in this case the OI would be based on the income that should have been reported on the May QR7 and is not reduced due to decrease in income in July as that decrease was not reported in July.

Please reference 63-508.14(a) and (b) regarding mandatory and voluntary recipient reports which may adjust benefits.

FOR FRAT USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY:	DATE FORWARDED TO STATE:
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